

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 8, 2004

H027264 PEOPLE v. WOOLRDIGE

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed November 8, 2004

H026297 PEOPLE v. LOPEZ

The judgment is affirmed. (published)
(Bamattre-Manoukian, J.; I concur: Premo, Acting P.J.; concurring opinion by: Walsh, J.*)
Filed November 8, 2004
(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026636 GIULIANI & KULL, INC. v. CASTLE & COOKE, INC.

The order denying the motion to enforce the settlement is reversed. The matter is remanded to the superior court with directions to dismiss appellant's motion for lack of jurisdiction. The parties shall bear their own costs on appeal. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 8, 2004

H027143 PEOPLE v. SYMPHONY P.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed November 8, 2004

H026386 O'TOOLE v. BALOG, et al.

The appeal is dismissed. (not published)
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)
Filed November 8, 2004

H026982 ENRILE, et al. v. SHENG HSIANG JEN FOODS CO., LTD., et al.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)
Filed November 8, 2004

Sixth Appellate District

San Jose, California

TUESDAY, NOVEMBER 9, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Mihara, J.; and Jane Valdez Flor, Deputy Clerk.

H027084 CHAUDARY on Habeas Corpus

Cause called and argued by Pamela B. Hooley, Deputy Attorney General, appearing for Appellant and by Keith Allen Wattley appearing for Respondent. Cause ordered submitted.

H026889 PEOPLE v. LOWE

Cause called and argued by Mark Noferi, Certified Law Student, appearing for Appellant and by Brian J. Matthews appearing for Respondent. Cause ordered submitted.

H026505 CORBRO, LLC v. TOWNE

Cause called and argued by John C. Clark appearing for Appellant and by Respondent Robert Towne, appearing in propria persona. Cause ordered submitted.

Premo, J. leaves the bench and Elia, J. takes the bench.

H026628 MORENO v. CITY OF KING, et al.

Cause called and argued by David Michael Fleishman appearing for Appellants and by Michelle A. Welsh appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

IN THE MATTER OF ASSIGNMENT OF THE HONORABLE BRIAN WALSH, TO SIT AS A JUSTICE OF THE COURT

By The Court

It is ordered that the assignment of the Honorable Brian Walsh, Judge of the Santa Clara County Superior Court, to sit as a Justice of this court from November 1, 2004, to December 31, 2004, be spread upon the minutes in full

Dated November 9, 2004 Rushing, P.J.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, November 9, 2004 (continued)

H025030 GONZALES v. CITY OF SAN JOSE; HUANG

Cause called and argued by George Rios, Deputy City Attorney, appearing for Appellant and by Richard Gregg appearing for Appellant and by Edmund Farrell appearing for Respondent. Cause ordered submitted.

H027377 MONTEREY COUNTY DEPT. OF SOCIAL SERVICES v. STEVEN M.

Cause called and argued by Deborah Dentler appearing for Appellant and by William Rentz, Deputy County Counsel, appearing for Respondent and by Catherine Czar appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Mihara, J. takes the bench.

H023902 PEOPLE v. SERRANO, et al.

Cause called and argued by Ozro Childs appearing for Appellant Serrano and by Tutti Hacking appearing for Appellant Arreguin and by William Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026372 BASINI, et al. v. NETWORK APPLIANCE, INC.

Cause called and argued by Glen Schofield appearing for Appellants and by Charles Graves appearing for Respondent. Cause ordered submitted.

H026956 CITIZENS FOR RESPONSIBLE DECISION MAKING, et al. v. CITY OF SEASIDE CITY COUNCIL; MONTEREY PENINSULA FOUNDATION, et al.

Cause called and argued by Alexander Henson appearing for Appellant and by Michael Masuda appearing for Respondents. Cause ordered submitted. Court adjourns.

H027106 In re MISTY T.; DFCS v. JOSEPH T.

H027282 In re MISTY T.; DFCS v. JOSEPH T.

The appeal in H027106 is dismissed as taken from a nonappealable order. The March 29, 2004 order for legal guardianship is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 9, 2004

Sixth Appellate District

San Jose, California

WEDNESDAY, NOVEMBER 10, 2004

H026152 LEE v. BORDBARI

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 10, 2004

H026108 PEOPLE v. LIGHT

H027991 LIGHT on Habeas Corpus

The judgment is affirmed. A prima facie case for extraordinary relief having been established by defendant's writ petition, the Department of Corrections is ordered to show cause why defendant's petition for a writ of habeas corpus should not be granted. The Department of Corrections is further ordered to submit its return to the trial court, which shall then conduct an evidentiary hearing to determine the truth of the allegations in the writ petition, and which is granted jurisdiction to grant or deny relief. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.*)

Filed November 10, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026000 PEOPLE v. TRUJILLO

The "not true" finding on the prior conviction in Santa Clara County Superior Court case No. 149886 and the order requiring reimbursement of attorney fees are reversed. In all other respects the judgment is affirmed. The matter is remanded to the trial court for proceedings consistent with this opinion. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.*)

Filed November 10, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026599 PEOPLE v. DAVILA

On the court's own motion, the submission order in the above-entitled matter dated August 17, 2004 is hereby vacated for further consideration of the issues raised on appeal. The cause is hereby resubmitted.

Dated: November 10, 2004 Rushing, P.J.

Sixth Appellate District

San Jose, California

Wednesday, November 10, 2004 (continued)

H026547 PEOPLE v. AVILA

On the court's own motion, the submission order in the above-entitled matter dated August 17, 2004 is hereby vacated for further consideration of the issues raised on appeal. The cause is hereby resubmitted.

Dated: November 10, 2004 Rushing, P.J.

H026808 PEOPLE v. MARTINEZ

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., McAdams, J.)

Filed November 10, 2004

H027025 PEOPLE v. MATTHEW O.

The order appealed from is affirmed. (not published)
(Walsh, J.*; We concur: Rushing, P.J., McAdams, J.)

Filed November 10, 2004

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026265 PEOPLE v. JAFFE

(Filed order modifying opinion.) The petition for rehearing by appellant is denied. There is no change in the judgment.
(partial publication)

(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)

Filed November 10, 2004

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027309 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 10, 2004

H025445 PEOPLE v. RISTAU

The judgment is remanded for further proceedings in accordance with this opinion and *Blakely*. In all other respects, the judgment is affirmed. (partial publication)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed November 10, 2004

Sixth Appellate District

San Jose, California

Wednesday, November 10, 2004 (continued)

H026701 PEOPLE v. KNOX

The judgment is affirmed. (published)
(McAdams, J.; I concur: Bamattre-Manoukian, Acting P.J.;
Dissenting opinion by Mihara, J.)
Filed November 10, 2004

H026434 PEOPLE v. VELASCO

The judgment is affirmed. (not published)
(McAdams, J.; I concur: Bamattre-Manoukian, Acting P.J.;
Dissenting opinion by Mihara, J.)
Filed November 10, 2004

H026276 PEOPLE v. CLARK

By the Court:

On the court's own motion, the submission order in the
above-entitled matter dated November 5, 2002, is hereby vacated
for the purposes of supplemental briefing pursuant to *Blakely v.*
Washington (No. 02-1632. June 24, 2004) 542 U.S. ____; 124 S. Ct.
2531; 159 L.Ed.2d 403; 2004 WL 1402697; 2004 DJDAR 7581. The
cause will be resubmitted upon completion of supplemental
briefing.

Dated: November 10, 2004 Rushing, P.J.

FRIDAY, NOVEMBER 12, 2004

H026926 PEOPLE v. LONGLEY

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh,
J.*)
Filed November 12, 2004
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H026505 CORBRO v. TOWNE

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 12, 2004

Sixth Appellate District

San Jose, California

Friday, November 12, 2004 (continued)

H026981 PEOPLE v. MARTE

By the Court*:

Appellant's petition for rehearing is denied.

Filed: November 12, 2004

*Before Premo, Acting P.J., Bamattre-Manoukian, J. and Walsh,
J.**

(**Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)